



Substitute Senate Bill No. 1102

Public Act No. 05-282

**AN ACT CONCERNING ENFORCEMENT OF MANDATORY
INSURANCE REQUIREMENTS FOR MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 14-12c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The commissioner may at any time require any owner of a private passenger motor vehicle or a vehicle with a commercial registration, as defined in section 14-1, to submit further information to verify the required security coverage within the time specified by the commissioner. If the commissioner is unable to verify the insurance information furnished, the commissioner shall, unless such registrant has been reported as cancelled in accordance with sections 38a-343, as amended by this act, 38a-343a, 14-12c and 14-12f to 14-12i, inclusive, as amended by this act, afford such owner an opportunity for a hearing in accordance with chapter 54 to determine whether such owner's application for registration contains a material false statement or whether he has failed to continuously maintain the security required under section 38a-371. If the commissioner finds that the owner did not have the required security in effect on the date of registration, or that such owner presented a false or fraudulent insurance identification card to the commissioner, the application for registration

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shall be deemed to contain a material false statement. Any registration issued as a result of such application shall be void from the date of issue and the registration number plates shall be surrendered to the commissioner or [shall be subject to confiscation in accordance with the provisions of section 14-12h] the commissioner shall issue a notice of suspension of the registration in accordance with the provisions of section 14-12g, as amended by this act. If the commissioner finds that the owner had the required security in effect at the time such application was submitted but failed to maintain it continuously during the registration period, [he] the commissioner shall [cancel any registration issued as a result of such application and the registration number plates shall be surrendered to the commissioner or shall be subject to confiscation in accordance with the provisions of section 14-12h. No new registration for any motor vehicle, the registration of which has been cancelled under this section, may be obtained except as provided by section 14-12h] issue a notice of the suspension of the registration in accordance with the provisions of section 14-12g, as amended by this act.

Sec. 2. Section 14-12g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) When a private passenger motor vehicle liability insurance policy has been cancelled and the Commissioner of Motor Vehicles determines that the owner of a registered motor vehicle is in violation of the mandatory security requirements of sections 14-12c, as amended by this act, and 38a-371, the commissioner shall issue to such owner a notice of [cancellation] suspension of the registration involved. [The notice shall contain a statement, in not less than fourteen-point type, that (1) after such cancellation of registration is final and effective such motor vehicle shall be subject to seizure, impoundment and potential forfeiture if observed being operated upon the public highway or if observed parked in any parking area, as defined in section 14-212, and

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(2) the owner may return the number plate or plates and registration certificate for such vehicle to avoid potential impoundment and suspension of the owner's motor vehicle operator's license pursuant to subsection (c) of this section. Such cancellation shall be final and effective fourteen days from the date of mailing of such notice. If a registered owner to whom such notice of cancellation was issued contends that, notwithstanding the determination of the Commissioner of Motor Vehicles, he has continuously maintained required coverage throughout the period of his registration, such owner may contact the Department of Motor Vehicles by telephone at a special number to be provided, not less than two days before the effective date of the cancellation of the registration to request an administrative hearing to be conducted in accordance with the provisions of chapter 54. Upon such request, the cancellation of the registration shall be stayed pending the final decision. The hearing shall be scheduled promptly and shall be strictly limited to the issues of (A) whether the respondent is the registered owner of the motor vehicle or vehicles subject to the mandatory security requirements, and (B) whether the respondent has failed to continuously maintain the required insurance coverage throughout the registration period. Unless the Commissioner of Motor Vehicles or his designated hearing officer finds in the negative on one of the hearing issues, the cancellation of the registration shall be affirmed. The Commissioner of Motor Vehicles shall render a final decision and shall mail such decision to the respondent not more than thirty days after the conclusion of the hearing. The cancellation of registration shall be effective three days after the date of the mailing of the final decision.]

(b) [Before such cancellation is final and effective, if] If a registered owner to whom notice of [cancellation] suspension was issued pursuant to subsection (a) of this section does not contest the determination that he or she has failed to maintain mandatory security, the commissioner may enter into a consent agreement with

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the owner, provided the owner presents satisfactory evidence of mandatory security and pays a civil penalty of [one] two hundred dollars. The consent agreement shall provide that the registration of the motor vehicle shall not be [cancelled] suspended, or that any suspension imposed previously, pursuant to subsection (a) of this section, shall be rescinded, unless (1) the commissioner determines that on or after the effective date of the consent agreement the owner failed to continuously maintain the required security, and (2) the owner cannot establish to the satisfaction of the commissioner that [he] the owner continuously maintained the required security after said effective date. Such consent agreement shall not operate to prevent the commissioner from cancelling, suspending or revoking a registration pursuant to any other provision of the general statutes.

(c) The [Commissioner of Motor Vehicles] commissioner may suspend the motor vehicle operator's license of any person whose registration has been [cancelled] suspended in accordance with the provisions of subsection (a) of this section, or section 14-12c, as amended by this act, and who, [within] not later than thirty days [of] after the date of such [cancellation] suspension, has not [returned the number plate or plates and registration certificate or obtained a new registration for] entered into a consent agreement, in accordance with the provisions of subsection (b) of this section, cancelled the registration or transferred ownership of the motor vehicle. Any person aggrieved by the decision of the commissioner to suspend his license under this subsection shall, prior to the effective date of such suspension, be afforded an opportunity for a hearing in accordance with the provisions of chapter 54.

Sec. 3. Section 14-12h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Commissioner of Motor Vehicles shall compile and maintain a record of all registrations [cancelled] suspended in accordance with

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the provisions of sections 14-12c, as amended by this act, and [14-12f to 14-12k, inclusive, 38a-343 and 38a-343a] 14-12g, as amended by this act. The commissioner shall update the information contained in such record not less than once per week and shall make available to all law enforcement agencies in this state a list of all registration number plates for vehicles whose registration has been [cancelled] suspended. Such list shall contain the number plate numbers, letters or number and letter combinations and the address at which the vehicle was registered. The commissioner may make available the entire list or a portion thereof and may utilize one or more formats for presenting the information contained therein to facilitate its use.

(b) (1) If any police officer observes a motor vehicle being operated upon the public highway, and such motor vehicle is displaying registration number plates identified as [cancelled] suspended on the list made available by the commissioner, such police officer may (A) stop or detain such vehicle and its occupants, (B) issue to the operator [an infractions] a complaint for operating an unregistered motor vehicle, or expired registration if the vehicle is not being operated, in violation of section 14-12, and (C) remove the registration number plates from the vehicle and return them to any branch office of the Department of Motor Vehicles. If any police officer, motor vehicle inspector or constable observes a motor vehicle parked in any parking area, as defined in section 14-212, and such motor vehicle is displaying registration number plates identified as [cancelled] suspended on the list made available by the commissioner, such police officer, motor vehicle inspector or constable is authorized to remove the registration number plates from the vehicle and to return them to any branch office of the Department of Motor Vehicles. If a number plate is identified as [cancelled] suspended on the list provided by the commissioner and such identification is in error, the state shall indemnify any police officer, motor vehicle inspector or constable for any claim for damages made against that individual as a result of such individual's good faith

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reliance on the accuracy of the list provided by the commissioner regarding the confiscation of number plates.

(2) If any police officer observes a motor vehicle being operated upon the public highway or parked in any parking area, as defined in section 14-212, displaying registration number plates identified on the list made available by the commissioner as being ~~[cancelled]~~ suspended, such police officer may seize and impound the vehicle. If a police officer seizes and impounds a vehicle pursuant to this subdivision, such officer shall give notice to the commissioner in such form as the commissioner may require. The police officer shall give such notice not later than three days after seizing and impounding the vehicle.

[(c) The owner of any motor vehicle whose registration has been cancelled in accordance with the provisions of sections 14-12c and 14-12f to 14-12k, inclusive, 38a-343 and 38a-343a, shall not be eligible to obtain a new registration for a vehicle, or a new or renewal registration for any motor vehicle in the owner's name until the owner appears personally at an office of the Department of Motor Vehicles and (1) completes an application for registration, (2) furnishes proof of insurance, in accordance with section 14-12b, and (3) pays to the Commissioner of Motor Vehicles a restoration fee of the aggregate of two hundred fifty dollars for the first thirty-one days such registration is cancelled, or any portion thereof, and five dollars for each additional day such registration is cancelled, not to exceed ninety days or five hundred forty-five dollars, as required by section 14-50b, in addition to any other fees required to obtain new registration and number plates, except that the commissioner may reduce the restoration fee to the amount of one hundred dollars if the commissioner finds that the vehicle was not operated during the period of such cancellation and during the period such owner failed to maintain mandatory security.]

(c) In addition, if the number plates of the vehicle whose registration

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was [cancelled] suspended have been confiscated, the owner of such motor vehicle shall pay an additional confiscation fee of fifty dollars. Such confiscation fee shall be collected from the owner of the motor vehicle and remitted by the commissioner to the constable who confiscated the number plates or, if the plates were confiscated by a police officer, such confiscation fee shall be remitted to the governmental entity which employed such officer at the time of the confiscation and shall be deposited in the asset forfeiture fund. In the event there is no such fund, such confiscation fee shall be deposited in the general fund of such entity.

(d) The owner of any motor vehicle which has been impounded in accordance with the provisions of subdivision (2) of subsection (b) of this section shall not be eligible to regain possession of the vehicle until he complies with the requirements of subsection (c) of this section. Any such motor vehicle which is impounded for more than forty-five days shall be subject to forfeiture to the state.

Sec. 4. Subsection (a) of section 14-12i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) [All] Except as provided in subsection (c) of section 14-50b, as amended by this act, all restoration fees imposed due to the [cancellation] suspension of the registration for violation of the mandatory security requirements of sections 14-12c, as amended by this act, and 38a-371 or suspension of a motor vehicle operator's license pursuant to subsection (c) of section 14-12g, as amended by this act, or section 14-213b shall be deposited into the Special Transportation Fund.

Sec. 5. Subsection (b) of section 38a-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

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(b) Where a private passenger motor vehicle liability insurance company sends a notice of cancellation under subsection (a) of this section to the named insured of a private passenger motor vehicle liability insurance policy, or a third party designee, such company shall provide with such notice a warning, in a form approved by the Commissioner of Motor Vehicles and the Insurance Commissioner, which informs the named insured that (1) the cancellation will be reported to the Commissioner of Motor Vehicles; (2) the named insured ~~[will]~~ may be receiving one or more mail inquiries from the Commissioner of Motor Vehicles, concerning whether or not required insurance coverage is being maintained, and that the named insured must respond to these inquiries; (3) if the required insurance coverage lapses at any time, the Commissioner of Motor Vehicles ~~[will cancel]~~ may suspend the registration or registrations for the vehicle or vehicles under the policy and the number plates will be subject to confiscation and any person operating any such vehicle will be subject to legal penalties for ~~[the operation of an unregistered motor vehicle]~~ operating a motor vehicle with a suspended registration; (4) the named insured will not be able to have the registration restored or obtain a new registration, or any other registration or renewal in the insured's name, except upon [(i) payment of the registration and number plate fees, as required by section 14-49, (ii) payment of a restoration fee, as required by section 14-50b, and (iii) the posting of a special certificate of financial responsibility for a period of one year; and (5) if the number plates have been confiscated, the payment of an additional confiscation fee of fifty dollars shall be imposed] presentation to the Commissioner of Motor Vehicles of evidence of required security or coverage and the entering into of a consent agreement with the commissioner in accordance with the provisions of section 14-12g, as amended by this act.

Sec. 6. Section 14-50b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

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(a) Any person whose operator's license or right to operate a motor vehicle in this state has been suspended or revoked by the Commissioner of Motor Vehicles, or who has been disqualified from operating a commercial motor vehicle, shall pay a restoration fee of one hundred twenty-five dollars to said commissioner prior to the issuance to such person of a new operator's license or the restoration of such operator's license or such privilege to operate a motor vehicle or commercial motor vehicle. Such restoration fee shall be in addition to any other fees provided by law.

(b) [(1) Except as provided in subdivision (2) of this subsection any] Any person whose motor vehicle registration or right of operation of a motor vehicle in this state has been suspended or revoked by the Commissioner of Motor Vehicles shall pay a restoration fee of one hundred twenty-five dollars to said commissioner prior to the issuance to such person of a new registration or the restoration of such registration or such right of operation. Such restoration fee shall be in addition to any other fees provided by law.

[(2) Any person whose motor vehicle registration has been cancelled pursuant to section 14-12g shall pay a restoration fee of the aggregate of two hundred fifty dollars for the first thirty-one days such registration is cancelled, or any portion thereof, and five dollars for each additional day such registration is cancelled, not to exceed ninety days or five hundred forty-five dollars, except that the commissioner may reduce the restoration fee to the amount of one hundred dollars if the commissioner finds that the vehicle was not operated during the period of such cancellation and during the period such owner failed to maintain mandatory security.]

(c) Notwithstanding any provision of the general statutes, on and after July 1, [2004] 2005, the first two hundred fifty thousand dollars of revenues collected from the payment of restoration fees under this section shall be appropriated to the Department of Motor Vehicles for

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the payment of costs, including, but not limited to, the cost of computer reprogramming, incurred by the department in establishing procedures for the suspension of operator's licenses or nonresident operating privileges under subdivision (2) of subsection [(b) of this section] (e) of section 14-227b.

Approved July 13, 2005